

1 HONORABLE RICHARD A. JONES
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 CARPENTERS HEALTH AND SECURITY
11 TRUST OF WESTERN WASHINGTON;
12 CARPENTERS RETIREMENT TRUST OF
13 WESTERN WASHINGTON;
14 CARPENTERSEMPLOYERS VACATION
15 TRUST OF WESTERN WASHINGTON; and
16 CARPENTERS-EMPLOYERS
17 APPRENTICESHIP AND TRAINING
18 TRUST FUND OF WASHINGTON-IDAHO,

19 Plaintiffs,

20 v.

21 GHL ARCHITECTURAL MILLWORK,
22 LLC, a Washington limited liability
23 company; and TAVIS GAUDET, an
24 individual,

25 Defendants.

26 CASE NO. 19-cv-01030-RAJ

27 **ORDER DENYING MOTION
28 FOR DEFAULT JUDGMENT**

29 This matter is before the Court on Plaintiffs' motion for default judgment against
30 Defendants GHL Architectural Millwork, LLC and Tavis Gaudet. Dkt. # 10. On May
31 11, 2019, GHL and Mr. Gaudet were both served with a summons and copy of the
32 complaint. Dkt. ## 5, 6. Defendants did not appear or otherwise respond. On October 7,
33 2019, the Court entered an order of default against both Defendants. Dkt. # 9. Plaintiffs
34 now move for default judgment. For the following reasons, the Court **DENIES** the
35 motion without prejudice.

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1 At the default judgment stage, the court presumes all well-pleaded factual
 2 allegations are true, except those related to damages. *TeleVideo Sys., Inc. v. Heidenthal*,
 3 826 F.2d 915, 917–18 (9th Cir. 1987); *see also Fair House. of Marin v. Combs*, 285 F.3d
 4 899, 906 (9th Cir. 2002). Where those facts establish a defendant’s liability, the Court
 5 has discretion, not an obligation, to enter a default judgment. *Aldabe v. Aldabe*, 616 F.2d
 6 1089, 1092 (9th Cir. 1980); *Alan Neuman Productions, Inc. v. Albright*, 862 F.2d 1388,
 7 1392 (9th Cir. 1988). The plaintiff must submit evidence supporting a claim for a
 8 particular sum of damages. *TeleVideo Sys.*, 826 F.2d at 917-18; *see also* Fed. R. Civ. P.
 9 55(b)(2)(B). If the plaintiff cannot prove that the sum it seeks is “a liquidated sum or
 10 capable of mathematical calculation,” the Court must hold a hearing or otherwise ensure
 11 that the damage award is appropriate. *Davis v. Fendler*, 650 F.2d 1154, 1161 (9th Cir.
 12 1981).

13 Plaintiffs are a collection of trust funds established to offer fringe benefits to
 14 eligible participants. Dkt. # 1. Defendant GHL Architectural Millwork, LLC (“GHL”),
 15 is a Washington limited liability company that is owned by Defendant Travis Gaudet.
 16 Dkt. # 1 at ¶¶ 1.6-1.7. In 2018 and early 2019, GHL executed five project agreements
 17 with the Pacific Northwest Regional Council of Carpenters that bound GHL to a master
 18 labor agreement (collectively, the “Agreements”). *See* Dkt. # 11 at ¶ 6, Exs. 1-6. Under
 19 the Agreements, GHL agreed to be bound by the terms of the four trust agreements that
 20 comprise the Carpenters Trusts. *Id.* In doing so, GHL also agreed to pay fringe benefit
 21 contributions to the Carpenters Trusts. Dkt. # 11, Exs. 1-5; Dkt. # 11, Ex. 6 at 75-76.

22 Plaintiffs allege in their complaint that GHL failed to routinely report or pay fringe
 23 benefit contributions to the Carpenters Trusts for the period October 2018 through March
 24 2019, as required under the trust fund agreements. Dkt. # 1 at ¶ 3.17. In the motion for
 25 default judgment, Plaintiffs request that the Court order GHL to pay \$13,925.00 in fringe
 26 benefits, \$1,503.35 in liquidated damages, \$1,189.12 in accrued, prejudgment interest,
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 28 ORDER – 2

1 and \$3,039.32 “on the balance of the audit report,” totaling \$19,656.79. Dkt. # 10 at 9.
 2 However, Plaintiffs’ accompanying judgment claim summary report shows a total claim
 3 of \$20,059.68. Dkt. # 11, Ex. 15 at 394; *see also* Dkt. # 10-1 (proposed order requesting
 4 damages from GHL in the amount of \$20,059.68). The amount of interest requested in
 5 the claim summary report also appears to differ from the amount requested in Plaintiffs’
 6 motion. *Compare* Dkt. # 11, Ex. 15 (requesting \$1,215.71) *and* Dkt. # 10 at 9 (requesting
 7 \$1,189.12).

8 The “audit report claim” is equally confusing. In the judgment claim summary
 9 report, Plaintiffs appear to request \$3,415.62 in connection with the audit claim (Dkt. #
 10 11, Ex. 15 at 394), while in the subsequent audit claim summary report and motion
 11 Plaintiffs request \$3,039.32. Dkt. # 11, Ex. 15 at 395; Dkt. # 10 at 9. And the amount of
 12 interest requested also differs in both charts. *Compare* Dkt. # 11, Ex. 15 at 394
 13 (requesting \$251.33) *and* Dkt. # 11, Ex. 15 at 395 (requesting \$561.85).

14 While there is undoubtedly a reasonable explanation for these discrepancies, the
 15 Court declines to devote any more judicial resources to making sense of these
 16 ambiguities. *See Indep. Towers of Wash. v. Washington*, 350 F.3d 925, 929 (9th Cir.
 17 2003) (“[J]udges are not like pigs, hunting for truffles buried in briefs.”) (quoting *United*
 18 *States v. Dunkel*, 927 F.2d 955, 956 (7th Cir. 1991)). To the extent Plaintiffs wish to
 19 recover damages from GHL, they must clearly and consistently establish their entitlement
 20 to a specific amount in the motion for default judgment and directly and clearly support
 21 that request with the accompanying exhibits and declarations.

22 Plaintiffs also seek to hold Mr. Gaudet liable for breach of fiduciary duty under
 23 ERISA and conversion under Washington law. *See* Dkt. # 1 at ¶¶ 4.7-4.15. However,
 24 Plaintiffs’ motion for default judgment devotes a mere two sentences to these claims and
 25 does not reference the relevant statutes, case law, or identify the supporting factual
 26 allegations. Dkt. # 10 at 9-10. If Plaintiffs wish to recover on these claims, they will

1 need to do better than that. *DIRECTV, Inc. v. Hoa Huynh*, 503 F.3d 847, 854 (9th Cir.
2 2007) (holding that a “defendant is not held to admit facts that are not well-pleaded or to
3 admit conclusions of law.”) (internal citation omitted).

4 For the foregoing reasons, the Court **DENIES** Plaintiffs’ motion for default
5 judgment without prejudice to refiling with the corrections discussed herein. Dkt. # 10.

6 Dated this 11th day of May, 2020.

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9 The Honorable Richard A. Jones
10 United States District Judge
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